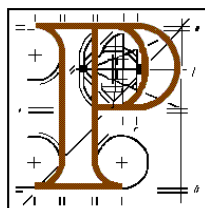


An Bord Pleanála Ref. No.: PL 28.244860

An Bord Pleanála



Inspector's Report

Proposed Development: Construction of a two-storey neighbourhood centre with a gross floor area of 2,269m². The proposed neighbourhood centre consists of a discount retail store including off-licence with a net retail area of 1,125m², 2 No. retail / retail service units of 151m² and 3 No. 1st floor office units (94m², 89m² and 92m²). The proposed development includes 110 No. car parking spaces, vehicular access and all associated signage, landscaping and site development works, all at Jacob's Island, Ballinure, Mahon, Co. Cork

Planning Application

Planning Authority:	Cork City Council
Planning Authority Reg. Ref.:	13/35575
Applicant:	McCarthy Development (Cork) Ltd
Type of application:	Planning permission
Planning Authority Decision:	Grant permission subject to conditions

Planning Appeal

Appellants:	National Roads Authority
Type of appeal:	Third Party against permission
Observers:	None

Date of Site Inspection: 08/12/2015

Inspector: A. Considine

1.0 INTRODUCTION & HISTORY

1.1 There is extensive planning history associated with this subject site and the Board is referred to the previous Inspectors report in this regard, PL28.242701 refers, for same. The Inspector dealing with the case, completed his report on the 11th of March, 2014. The Board decided the case on the 19th of May, 2014.

1.2 The Boards Order stated as follows:

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. Having regard to the zoning of the site for 'Residential, Local Services and Institutional Uses' as set out in Cork City Development Plan, 2009-2015, the provisions of the Draft Mahon Local Area Plan, 2013, the pattern of existing and permitted development in the vicinity of the site, and the traffic constraints on the access to Jacob's Island/Mahon Point at the Mahon Interchange on the N40 Cork South Ring Road, it is considered that, notwithstanding the development plan objective for a Local Centre in this general area and the conditional support for the development of a Neighbourhood Centre where it can be justified on the basis of a detailed Retail Impact Assessment in place of the proposed local centre, the proposed scale of commercial floor space and in particular the retail content, is in excess of that required to serve local needs given the population of Jacob's Island. The developer has not, in the opinion of the Board justified the provision of a neighbourhood centre rather than a local centre, in terms of the need for such a centre, the provision of links to existing centres or the provision of high quality urban design. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would have an adverse effect on traffic congestion and would, therefore, endanger public safety by reason of traffic hazard.

1.3 The above decision was the subject of Judicial Review, Case No 2014 392 JR, where the decision of the Board was quashed by the Courts and remitted back to the Board for a fresh determination. The Court decision specifically states:

‘The Court doth grant an Order of Certiorari in respect of the decision made by An Bord Pleanala on appeal reference PL28.242701 to refuse planning permission for the proposed development being a Neighbourhood Centre at Jacobs Island, Ballinure Cork more particularly described in said order for the reasons set out in paragraphs (e) 1 and 2 of the Statement of Grounds

And in lieu of directing of an Order of Certiorari do issue IT IS ORDERED that the aforesaid decision and all records and entries relating thereto be quashed without further order

IT IS ORDERED that the matter be remitted to the Respondent to be determined in Accordance with law.’

2.0 PURPOSE OF THIS REPORT

2.1 On the 9th of May, 2014, An Bord Pleanala received, from Cork City Council, Notice of the making of Variation No. 11 (Mahon Local Area Plan) of the City Development Plan 2009-2015. The Members of Cork City Council, in accordance with Section 13 of the Planning & Development Acts 2000-2013, made Variation No. 11 (Mahon Local Area Plan) of the Cork City Development Plan 2009-2015 at the Ordinary Council Meeting of Monday 24th March, 2014 by resolution. A copy of the Variation was enclosed.

2.2 The Court principally decided that the Board failed to have regard to and/or consider the Mahon Local Area Plan, the Cork City Development Plan 2009-2015. The effect of Retail Planning Guidelines and/or Metropolitan Cork Joint Retail Strategy (Dec '13).

- 2.3 The purpose of this report is to incorporate the consideration of the current policy requirements of the Variation No. 11 (Mahon Local Area Plan) of the Cork City Development Plan 2009-2015 and the Metropolitan Cork Joint Retail Strategy.

3.0 THE SITE

- 3.1 The proposed development site is located on Jacob's Island in the Mahon area of Cork City on undeveloped lands situated to the southeast of the Mahon Interchange and south of the N40 Cork South Ring Road, approximately 2.5km south of the Dunkettle Interchange.
- 3.2 The surrounding area is characterised by the spine road which serves Jacob's Island with the subject site forming part of a larger undeveloped landbank located between it and the N40 Ring Road. To the northeast a large apartment scheme terminates the spine road whilst a suburban housing estate has been constructed opposite the site with the intervening lands between these two developments along the southern side of the roadway remaining undeveloped and secured by hoarding.
- 3.3 The site itself has a stated site area of 0.6 hectares, is generally square in shape and is presently occupied by a disused compound.

4.0 PROPOSED DEVELOPMENT

- 4.1 The application to Cork City Council was for planning permission for the construction of a two-storey neighbourhood centre with a gross floor area of 2,269m². The proposed neighbourhood centre consists of a discount retail store including off-licence with a net retail area of 1,125m², 2 No. retail / retail service units of 151m² and 3 No. 1st floor office units (94m², 89m² and 92m²). The proposed development includes 110 No. car parking spaces, vehicular access and all associated signage, landscaping and site development works, all at Jacob's Island, Ballinure, Mahon, Co. Cork.

5.0 POLICY CONTEXT

- 5.1 The Board should note that at the time the planning application was lodged with Cork City Council, and indeed, when An Bord Pleanala made its decision in relation to the proposed development on the 19th May, 2014, the Cork City Development Plan, 2009-2015 was in effect. Since that time, the new CDP was adopted and came into effect on the 20th April, 2015. At this point in time, the Cork City Council Development Plan 2015-2021 is the relevant policy document for the Boards consideration. Both documents are presented in this section of my report, solely for completeness.

Cork City Development Plan 2009-2015:

I refer the Board to the previous inspectors report in relation to the full detail of the 2009 City Development Plan and will just include the headings and a brief summary of content in this section of my report.

5.2 Land Use Zoning:

The proposed development site is located in an area zoned as 'ZO5: Residential, Local Services & Institutional Uses' with the stated land use zoning objective 'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'.

5.3 Chapter 2: Core Strategy:

- a) Section 2.36 of the Plan deals with Key Development Areas, and in particular, Mahon and notes that the Mahon area saw significant new development since the last Development Plan but that there is potential for further development in the area.
- b) Section 2.40 of the plan deals with Key Suburban Centres and provides that the key suburban centres include Mahon. The objective is that these centres would over time evolve into mixed use urban centres with good public transport access and high quality urban design.

5.4 Chapter 3: Economic Development Strategy

Policy 3.3: Strategic Employment Locations:

- The City Council will support the development of the City Centre and Docklands as strategic employment locations, as well as suburban locations at Blackpool/Kilbarry and Mahon.

5.5 Chapter 4: Retail Strategy:

a) Table 4.1: Retail Hierarchy: Cork City Suburbs - District Centres: Mahon Point – Overall Strategy:

- No significant retail expansion envisaged. Mixed use with urban design and access improvements desirable

b) Policy 4.4: Strategic Role of Suburban Neighbourhood Centres:

- To acknowledge the importance of suburban neighbourhood centres in meeting local needs primarily for convenience shopping, local service provision and also for a limited range of comparison goods.

c) Policy: 4.8: Strategic Role of Local Retail Centres:

d) New Neighbourhood and Local Centres are dealt with in Sections 4.50-4.54 of the CDP and provides that the purpose of local / neighbourhood centres is to ensure that all residential areas are within easy access of and are adequately serviced by local/neighbourhood facilities and services.

e) New centres will generally be anchored by a small/medium sized convenience store and should also include a number of smaller associated local service. The nature of associated uses appropriate within existing and new neighbourhood and local centres is outlined in Chapter 15, Land Use Zoning Objectives. The list of existing Neighbourhood Centres in the city is provided in Table 4.1 and the list of Local Centres in the city is outlined in Table 4.2.

- f) If a Neighbourhood Centre can be justified in place of the proposed local centre in the south eastern suburbs shown on Map 8 of the Plan, on the basis of a detailed Retail Impact Assessment, then the objective for this location will change from Local Centre to Neighbourhood Centre.
- g) Policy 4.14: New Neighbourhood and Local Centres seeks to encourage the provision of new Neighbourhood and Local Centres provided they comply with a number of criteria.
- h) Policy 4.15: Associated Local Service Units within Neighbourhood and Local Centres which seeks to restrict the opening of the main anchor stores within new neighbourhood and local centres until such a time as any associated local service units are constructed and fit for occupation.

5.6 Chapter 5: Transportation:

- a) Policy 5.2: Integrating Land Use and Transportation where it is the policy of Cork City Council to support sustainable modes of transport and ensure that land use and zoning are integrated with transportation.
- b) Policy 5.4 deals with Modal Change and seeks to encourage modal change from private car use towards more sustainable forms of transport such as public transport, cycling, and walking, and to reduce car use by encouraging tele-working, carpooling and car-sharing.

5.7 Chapter 14: Suburban Areas:

- a) Key Suburban Development Areas: South Mahon is dealt with in Sections 14.5-14.8 inclusive. A number of Key Objectives are presented.
- b) Key Suburban Centres: Mahon District Centre is dealt with in Sections 14.42-14.44 inclusive. A number of Key Objectives are presented.

Variation No. 11 (Mahon Local Area Plan, 2014) of the Development Plan:

- 5.8 This variation amended the Cork City Development Plan 2009-2015 and subsumed the Mahon Local Area Plan. The LAP primarily replaced the development plan objective for a local centre at Jacob's Island at Map 8: South-Eastern Suburbs of Volume 2 of the CDP, replaced the 'LC' symbol (Indicative Location for Local Centres) with new "NC" symbol (Indicative Location for Neighbourhood Centres). This symbol relates to the subject site.

Cork City Development Plan 2015-2021:

5.9 Land Use Zoning:

- a) The subject site is zoned ZO 9 Neighbourhood Centres where it is the stated objective:

To protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services.

- b) Section 15.16 of the City Development Plan expands on the above objective and states:

Neighbourhood Centres are listed in Table 4.1 and shown in the suburban zoning maps in Volume 2. The primary purpose of these centres is to fulfil a local shopping function, providing a mix of convenience shopping, lower order comparison shopping, and local services to residential and employment areas. Some of these centres need to be enhanced significantly in terms of their retail offering, mix of uses, public realm, and overall viability and vitality. Limited retail offices will be acceptable in these centres to serve local needs and are subject to guidance on size and extent (paragraph 3.28) including a limit of 100sq.m. per unit. Residential uses are also acceptable within this zone. Where neighbourhood centres are located in areas of historic significance, for example, former villages now within the suburbs of the city such as Blackpool, policies to protect and enhance their architectural character will be applied.

5.10 Chapter 2: Core Strategy:

- a) Section 2.24 of the Plan deals with Mahon and provides that:

The Mahon area has seen significant new development since the last Plan with new residential developments in Jacobs Island and Eden, retail development at Mahon Point, and large scale office and technology developments in Loughmahon Technology Park. There is however potential for further development in the area through the development of remaining "greenfield" land and through the intensification of existing sites, in particular areas currently in use for industrial and technology sites. There is a need for a balance between residential and employment uses and upgraded public transport provision is also required. The detailed strategy for the area is contained in the Mahon Local Area Plan (see Chapter 14 for further details).

- b) Section 2.29 of the plan deals with Key Suburban Centres and provides that:

The key suburban centres are Mahon, Douglas and Wilton District Centres on the south side, and Blackpool and Ballyvolane District Centres on the north side, with potential for a further District Centre in Hollyhill. While retailing to serve the local market will be the primary function of these centres, the objective is that these centres would over time evolve into mixed use urban centres with good public transport access and high quality urban design. Objectives for these centres are outlined in Chapters 4 and 14.

5.11 Chapter 3: Economic Development Strategy

Objective 3.7: Strategic Employment Locations:

- The Cork City Council will support the development of the City Centre and Docklands as the primary strategic employment locations. Secondary locations in suburban areas at Blackpool/Kilbarry and Mahon also have potential for growth as outlined in local area plans. There is also potential for employment intensification in the future in areas such as Tivoli, Model Farm Road and the Tramore Road area.

5.12 Chapter 4: Retail Strategy:

- a) Table 4.1: Retail Hierarchy:

The Table identifies Mahon Point as a Level 2 District Centre and Jacob's Island as a Level 4 Neighbourhood Centre.

b) Objective 4.6 Neighbourhood Centres:

- a. To support, promote and protect Neighbourhood Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities;
- b. To support and facilitate the designation of new and the expansion of existing Neighbourhood Centres where significant additional population growth is planned or where a demonstrable gap in existing provision is identified, subject to the protection of residential amenities of the surrounding area and that they are adequately served by sustainable transport;
- c. Proposals should demonstrate the appropriateness of the site by means of a Sequential Test Statement; demonstrate retail impact and provide for a mix of uses appropriate to the scale of the centre.

c) Sections 4.19 – 4.21 deal with Neighbourhood Centres and states:

4.19 Neighbourhood centres provide important top-up and day-to-day shopping and retail service requirements and play an important role in serving the needs of those without access to a car, particularly the elderly. They are typically characterised by small scale convenience offer and ancillary retail services (typically uses include a newsagent, supermarket, grocery store, sub-post office) and serve a small, localised catchment population. They normally serve a pedestrian catchment of approximately 800m. New centres will generally be anchored by a small/medium sized convenience store and should also include a number of smaller associated local service units to enhance the overall appeal of the centre in terms of service provision and design. Neighbourhood centre anchor stores should not exceed 1,500sq.m. net. Appropriate land uses within neighbourhood centres are outlined in the Land Use Zoning Objectives Chapter 15.

4.20 New Neighbourhood Centres should be mixed-use schemes, incorporating a range of local services, a vertical mix of uses

where possible, and a high quality of urban design appropriate to their scale and character. In addition to retail, neighbourhood centres may include residential and complementary local services, such as childcare, retail offices, pharmacies, medical consultancies, public houses, small shops, etc.

4.21 The Cork City Council will support and facilitate the designation of new and/ or the expansion of existing neighbourhood centres where significant additional population growth is planned or where a demonstrable gap in existing provision is identified.

5.13 Chapter 14: Suburban Area Policies:

Key Suburban Development/Regeneration Areas:

- a) Section 14.3 deals with Mahon and states that
- Significant development has already taken place in Mahon and there is potential for more through the development of 'greenfield' lands and the intensification of existing sites, in particular, industrial/ business and technology lands. A greater mix of uses is needed including more residential development and a major upgrade in public transport provision. The detailed strategy for Mahon is set out in the Mahon Local Area Plan 2014.
- b) Sections 14.4 – 14.6 deals with the Mahon Local Area Plan 2014 are provides as follows:
- 14.4 The purpose of the local area plan is to set out objectives that, when implemented, will transform the area into a cohesive, connected and well-serviced neighbourhood and employment area. The rationale for future growth is based upon Mahon's strategic significance within Metropolitan Cork as a suburban employment location and residential neighbourhood capable of being supported by high quality public transport.
- 14.5 The vision of the Plan is that 'Mahon will develop into a coherent mixed use suburb that meets the needs of the community and make it an attractive place to live'.
- 14.6 Provision is also made for mixed use development at Jacobs Island of up to 15,000 sq. m. of business and technology office space and residential uses.

- c) Objective 14.1 deals with the Mahon Local Area Plan and states as follows:

The local area plan vision for Mahon will be achieved by:

- a. Expanding the population and improving residential amenity;
 - b. Gradually replacing low density industry with higher density employment accessible to those living in the area;
 - c. Creating strong focal places at Mahon Point and Neighbourhood Centres providing local services and a physical focus for their areas;
 - d. Supporting a shift to non-car modes for transport, environmental, social and health reasons; and
 - e. Conserving landscape, built heritage and environmental assets.
- d) Sections 14.33 and 14.34 deals with the Mahon District Centre and state as follows:

14.33 Mahon Point Shopping Centre is a relatively new shopping centre, which serves the south-east suburbs of the city. The centre has a significant level of comparison goods floorspace, anchored by a Department Store and a substantial convenience goods anchor store. The centre also has a multiplex cinema, commercial leisure and retail office functions including a food hall. The Shopping Centre is complemented by the Mahon Point Retail Park.

14.34 The Metropolitan Cork Joint Retail Strategy limits further comparison retail development at Mahon Point Shopping Centre in order to promote a more even geographical distribution of comparison goods retailing throughout the city suburbs. The Mahon Local Area Plan 2014 sets out an integrated land use, transportation and urban design framework for the future development of the area.

- e) Objective 14.7 of the plan deals with the Mahon District Centre and provides as follows:

To ensure Mahon District Centre is developed as a high quality shopping, leisure, working, residential and urban environment in accordance with the local area plan and the Retail Strategy.

- 5.14 Volume two of the current City Plan provide the mapped objectives which support the written statement of the City Development Plan. The zoning of the subject site has been changed from:

‘ZO5: Residential, Local Services & Institutional Uses’ with the stated land use zoning objective ‘To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3’,

To:

‘ZO 9 Neighbourhood Centres’ where it is the stated objective To protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services.

Mahon Local Area Plan, 2014:

- 5.15 The need for a local area plan for the Mahon area was identified during the process of preparing the *Cork City Development Plan 2009-2015*.

The impetus for the local area plan was increased due to developer activity in the Mahon area in which significant increases in the intensity of use of Mahon were being proposed. Following an initial analysis of the development capacity of the Mahon area in November 2007 the City Council was convinced that there was a need to provide a coherent strategy for the sustainable development of the Mahon area as it became apparent that a piecemeal approach to development could lead to incoherent and massive change to the area, as well as presenting significant challenges for the wider Mahon area.

This local area plan is a statutory local area plan prepared under Section 20 of the *Planning and Development Acts 2000-2013*. It was made (or adopted) by resolution on 24 March 2014.

- 5.16 The LAP identifies 9 sub areas and includes Jacob’s Island as Sub Area No. 9 and states that the objectives for Jacob’s Island emanate from the Cork City Development Plan 2009-2015. This local area plan does not significantly amend the higher level objectives for Jacob’s

Island but seeks to amplify them. In terms of the land strategy, the local plan makes provision for a neighbourhood centre and the location for this is indicated in Figure 4.10 and for employment uses therein.

- 5.17 Section 3 of the LAP deals with Vision and Area Wide Strategy and notes that the Mahon area is currently very well served by convenience floorspace with larger units located at the Church Road Neighbourhood Centre, Blackrock Avenue Neighbourhood Centre and Mahon Point Tesco. The Mahon Point Tesco has 2.6% of the 2012 Metropolitan Cork convenience retail market and is considered to be “under trading” compared to other stores (Draft CRSRS, 2013). New population growth will result in new convenience spending power that is likely to be largely met by local shopping provision but some additional provision may be needed to meet the needs of the area.

The City Council is conscious that a discount convenience retailer is currently seeking a store in the Mahon area. The City Council’s preferred location for this type of store size is the Avenue De Rennes Neighbourhood Centre, and is aware that site assembly is required to enable a store of this size to be developed here for the benefit of Avenue De Rennes and the Mahon community (see Section 5). In the event that site assembly by Cork City Council is not an option then the District Centre is considered the appropriate location for a store of this size due to the benefits of multi-purpose trips.

- 5.18 Section 5 of the LAP deals with Infrastructure and Delivery Strategy and seeks to set out the proposed strategy for the phasing of development, the indicative timescales for the delivery of infrastructure and the funding options for the projects indicated. The LAP states that it is an objective to seek the delivery of the environmental and utility infrastructures and notes that the delivery of some projects, which includes the delivery of a neighbourhood centre with an anchor convenience store at Avenue De Rennes, may require the City Council to acquire sites to enable them to be brought forward for development.

- 5.19 In terms of transport, section 2.5 of the LAP sets out the Transport Context. Section 2.6 sets out the Mahon Opportunities and Constraints, and identifies the N40 as a barrier to movement. The Plan also notes the NRA concerns that additional travel demand does not result in unacceptable levels of congestion / queuing at Mahon Interchange.

The implications for development of Mahon is state as Land use and transport strategy that maximises potential for no-car trips.

The LAP describes Jacob's Island as Unfinished suburban residential community to the south of N40 / Mahon Interchange, and therefore suffers from severance from the rest of Mahon. In terms of Sensitivity and significance, the LAP states 'further development of the area should aim to provide a strong sense of place with activities and spaces that complement the existing residential development' and implications for development, 'Precinct Strategy to define development potential' and 'A strong landscape and tree structure is necessary'.

Metropolitan Cork Joint Retail Strategy, 2013:

5.20 On the 26th April, 2013, Cork City and Cork County Council published the Draft Metropolitan Cork Joint Retail Strategy, 2013. John Spain Associates were commissioned in August 2012 by Cork City Council and Cork County Council to prepare a joint retail study for Metropolitan Cork and the draft Retail Strategy notes that 'the strategy is based upon the findings of the retail study' and 'will replace the existing 2008 Cork Strategic Retail Study'. The Board will note that there is no reference to Jacob's Island in the Draft Strategy.

5.21 In terms of the Retail Hierarchy and Neighbourhood Centres, the Joint Retail Strategy provides as follows:

Level 4: Neighbourhood Centres and Large Village Centres

4.9 Neighbourhood centres and larger villages provide important top up and day to day shopping and retail service requirements. They are typically characterised by an appropriately scaled convenience offer and ancillary retail services and serve a small localised catchment population.

Policy 6: Neighbourhood Centres and Large Village Centres

To support, promote and protect Neighbourhood Centres and Large Village Centres which play an important role in the local shopping role for residents and provide a range of Metropolitan Cork Joint Retail Strategy essential day to day services and facilities. The opportunity for development of new neighbourhood centres will be identified in

Development Plans or Local Area Plans as appropriate including where significant additional population growth is planned or where gaps in existing provision are identified.

5.22 In terms of the Distribution of Retail Floor Space, the Retail Strategy, in terms of Neighbourhood Centres, provides:

7.27 Neighbourhood Centres generally serve smaller, more localised communities and provide an important service at a local level. Comparison retail floorspace will be limited to small scale local provision.

Mahon Traffic & Transportation Study Addendum, Jacobs Island Additional Development Assessment:

5.23 Following completion of the Mahon Strategic Transport & Traffic Study in February 2012, MVA Consultancy was appointed by Cork City Council to undertake a further transport assessment of the Jacobs Island area in Mahon to look at a variation of the land use options for the area. The Addendum report seeks to assess the implications of office uses from a land use and transportation perspective. Following a comprehensive assessment, the overall recommendation of the Addendum report states as follows:

Based on the planning perspective and transport modelling evaluation undertaken for Jacob's Island it is recommended that development on Jacob's Island should NOT be allowed for the following reasons:

- It compromises the land use strategy (Land Use Option 3) as recommended by the Mahon Strategic Transport & Traffic Assessment particularly in the longer term beyond 2021 as development on Jacob's Island will generate a dispersed trip distribution pattern making it very difficult to serve by public transport leading to higher levels of car use thereby increasing pressure on the Mahon Interchange.

6.0 RECENT SUBMISSIONS:

6.1 First Party Response to Third Party Appeal following High Court decision:

The first party, through their agent, has submitted a response to the third party appeal in accordance with the High Court perfected on the 15th April, 2015. The submission is summarised as follows:

- While the Inspector acknowledged the changing policy context, the proposed development was assessed strictly in accordance with the provisions of the 2009 Cork City Development Plan.
- In terms of retail policy, the Inspectors report did not highlight that the Metropolitan Cork Joint Retail Strategy of December, 2013 identified as a Neighbourhood Centre at Jacob's Island and that this formed the basis for the subsequent zoning in the 2015 Plan and Mahon LAP.
- Where a site is zoned for a particular retail purpose, it is not necessary in a planning application to justify that purpose or justify development for that purpose by reference to the sequential test.
- References Table 2 of the Metropolitan Cork Retail Strategy, as well as Policy 6 contained therein
- References to policies and objectives contained in the Cork City Development Plan 2015-2021 relating to Neighbourhood Centres and zoning of the site.
- References the Mahon Local Area Plan and the zoning and policies relating to the site.
- In relation to Traffic & Transportation, the submission considers that the NRAs primary concerns can be defined as follows:
 - Premature pending the adoption of the LAP -
 - It is submitted that this issue has been resolved with the adoption of the Mahon LAP and the Cork City Development Plan, 2015.
 - The proposed development is plan led and the 2013 Mahon Traffic & Transportation Study, which included an Addendum on Jacobs Island, formed the basis for the landuse strategy contained in the mentioned plans.
 - It is considered that the NRA misinterpreted or overlooked the Jacobs Island Addendum as Table 5-3 highlights that a scenario containing 2,650m² of retail

development and 10,000m² of office development was contemplated and assessed for Jacobs Island.

- These figures provide for the permitted development and the net retail areas are within the scale envisaged and assessed in the Jacobs Island Addendum to the Mahon Strategic Transport Assessment.

- o Traffic & Transport Assessment in accordance with NRA Guidelines -

- The NRAs lack of confidence that the development can be facilitated appears to stem from the methodology used to assess the traffic impact.

- In order to fully address the NRAs concerns, the applicants have commissioned Arup to prepare a Traffic and Transport Assessment in accordance with the NRA Guidelines.

- o Impact on the strategic function of the National Network -

- The Board will note that the Traffic & Transport Department of Cork City Council, or the Boards Inspector, did not envisage an impact on the national network.

- It is further submitted that the view that the development will have an impact is not shared by technical staff within the NRA.

- Following FOI an email and letter from the NRA would suggest that the NRA would be willing to withdraw the appeal. It is submitted that the decision of Cork City Council was appealed due to corporate concerns rather than for technical reasons.

- The proposed Neighbourhood Centre is much smaller than the initial permission granted on the site which included a leisure centre and public house / restaurant, ref T.P.00/24611.

- The applicants and other landowners delivered the infrastructural upgrades required to facilitate the delivery of Jacobs Island as a mixed use community including the expansion of Mahon Interchanges capacity. This capacity has been used to accommodate other developments in Mahon.

- It is submitted that there have been significant road network improvements to allow the Board to permit the proposed development as follows:

- ❖ Provision of additional dedicated right turn lane from Mahon Link Road, improving access to the shopping centre and retail park;
 - ❖ Provision of a dedicated left turn lane from Mahon Link Road;
 - ❖ Adjustment to the splitter / refuge island's layout and controlled pedestrian crossing arrangements to reduce the all-red lost time at traffic signals junction and increase green time;
 - ❖ Integration of traffic signals between the junctions.
- Section 8 of the TTA ARUP has undertaken a comprehensive analysis of the impact of the proposed development on the national network using the projected traffic flows from the Systra Local Area Traffic Model. Using the data extracted from the Systra Model, ARUP constructed a Linsig Network Traffic Model of the N40 Mahon Interchange.
 - The assessment concludes that proposed development 'has little or no effect on the prevailing traffic conditions at the entrance junction to Mahon Point Shopping Centre or the N40 Mahon Interchange'.
- Agreed approach between Cork City Council and the NRA -
 - This agreement was reached between the two bodies in order to allow the NRA to withdraw its appeal against a large scale office development in Mahon, 09/34109 & PL28.236534 refers.
 - The detail of the agreement are outlined in a letter dated May 18th 2010 and indicates that the following commitments were required:
 - ❖ NRA not expected to fund future upgrades to Mahon Interchange and any upgrades needed as mitigation for developments would be funded by developer contributions;
 - ❖ Engage with the NRA on planning applications that could impact on national road network;
 - ❖ Appropriate impact assessment of development proposals which could impact on the national road network;

- ❖ Engagement on Mahon LAP;
 - ❖ Preparation of Strategic Transport and Traffic Assessment for Mahon;
 - ❖ Initiatives to encourage a modal shift from private car.
- It is submitted that the Mahon Junction, with the permitted Riga scheme should represent the baseline and the proposed development should be assessed based on its impact on this. The methodology for assessing the impact of the proposed development on the network was agreed with Cork City Council on this basis.
 - In terms of mitigation, Cork City Council did not consider that any mitigating measures were required. The applicant however, wishes the Board to note that they are willing to contribute to any mitigation measures deemed necessary in the form of a special development contribution.
 - Jacobs Island has dedicated proposals for the upgrade of the Mahon Interchange which have been planned and permitted in the context of the Riga permission.
 - The permitted improvements include:
 - ❖ A dedicated left turn lane on the Westbound Off-Ramp
 - ❖ Increased right turn radii from the Westbound Off-Ramp and Mahon Interchange Bridge
 - ❖ Widening of the Eastbound Off-Ramp to extend the existing short tapered extent of its dedicated right-turn lane.
 - The mitigation measures required and the applicants contribution to same can be agreed with the PA prior to commencement of development
- o Parking:
 - Section 6.2.1 of the TTA makes recommendations regarding the proposed parking provision on the site.
 - There is no evidence to support the view that the neighbourhood centre on Jacobs Island would be any more reliant on the private car than a neighbourhood centre on the other Key Development Areas or at any other location in Mahon.

- In conclusion, the submission considers that the planning policy context within which the proposed development is now to be reconsidered has altered substantially since the original Inspectors Report.
- The applicants are hopeful that following a review of the TTA, the NRA will decide to withdraw its appeal, but failing that, are confident that the Board will support the decision of Cork City Council and grant permission for the proposed development.

Enclosures with the submission include

- ✓ A copy of the letter from the NRA to Cork City Council on the 18th November, 2013 advising of the appeal and that the Authority is available to discuss issues pertaining to development management and national roads with the Executive of the Council as required.
- ✓ Internal NRA emails
- ✓ Copy of the ARUP Traffic & Transport Assessment.

6.2 Planning Authority Response following High Court decision:

The Planning Authority has made the following submission:

- Confirms that the site is zoned as “neighbourhood centre” in the Cork City Development Plan, 2015
- The submission also includes a report from the Roads & Transport Directorate dated 16th July, 2015 which confirms that the additional traffic generated by the development would not have a detrimental impact on the interchange.
- The Board will note that the Roads & Transport Directorate Report followed a review of the ARUP Traffic & Transport Assessment.

6.3 NRA¹ Response to Third Party submission following High Court decision:

The NRA offers the following comments in relation to the appeal case:

¹ The Board will note that the National Roads Authority has been renamed Transport Infrastructure Ireland (TII)

- Acknowledges the Mahon LAP, but the NRA position remains as set out in the initial appeal.
- Although the adoption of the LAP 2014 clarified the land use zoning and development objectives for Jacobs Island, it remains a strategic objective of the City Council to protect the capacity, efficiency and safety of national roads and associated junctions – Cork City Development Plan, 2015-2021, Objective 5.1(h) refers
- The Authority remains seriously concerned that the traffic generated by the subject development proposal has the potential to undermine the strategic function of the national road network to safely and efficiently facilitate the movement of strategic traffic.
- Section 8.4 of the ARUP TTA acknowledges that there are currently capacity constraints at the N40 Mahon Junction with certain approaches operating near or above capacity ‘without’ the proposed development. The applicant acknowledges that the development will further add to a deteriorating traffic situation by adding further levels of discretionary traffic to a junction already under pressure.
- Issues relating to Table 15 of the TTA in terms of queue lengths. The Authority does not concur with the conclusions of the ARUP report, and considers that the reports’ conclusion only further validates the Authority’s concerns.
- The strategic national road network at this location is clearly vulnerable to minor increases in traffic having relatively significant impacts on queue lengths. The stated limited increase in traffic is no justification for a grant or permission. The development is at variance with the provisions of the City Development Plan and the DoECLG Spatial Planning & National Roads Guidelines (2012) and the precedence already set by previous applications on this site.
- Reference is made to the initial Planning Policy Report by the City Council and it is considered that the findings remain highly relevant.
- The ARUP TTA demonstrates the sensitivity of the junction to additional traffic with relatively minor increases in RFC at the junctions having a disproportionate impact on queue lengths and therefore the safe and efficient operation of the junction.
- As a point of clarification, and the first party consideration that the Authority misinterpreted the analysis in the Jacobs Island Addendum to the Mahon Strategic Traffic & Transport Assessment, it is submitted that while an element of retail is included in Table 5-

3, it is not clear that such a quantum of retail was carried through to the further iterations of the assessment process. The Authority's position remains in this regard.

- It is critical that the Board remember that the N40 Cork South Ring Road is one of the most heavily trafficked roads in the Country after the M50, with an estimated +75,000 vehicles per day. The South Ring Road was designed and expected to function as a strategic bypass for Cork City.
- Following historical planning decisions and economic growth, the N40 is located within the suburbs of Cork and provides a range of functions well over and above those originally anticipated and increased demand for commuter and discretionary trips has led to significant levels of congestion and delay at peak times.
- In response, the NRA and Cork City and County Councils have undertaken incremental upgrades to the junctions between the N40 and the N27. The Dunkettle interchange has yet to receive government funding for construction and the constraints of the network were recognised by the decision of the Board of the Dunkettle Interchange Improvement Motorway Scheme 2012, required monitoring of the system.
- It was identified that under certain traffic growth scenarios, the threshold of 90% of the Jack Lynch Tunnel capacity could be reached within the next decade. It is recognised that the future traffic demand on the N40 would need to be managed if the N40 and the Jack Lynch Tunnel are not to act as a constraint on development within the Cork Metropolitan Area.
- More strategic and collaborative actions are required to maintain the function of this ailing element of Corks critical road infrastructure by:
 - Addressing the strong levels of growth in transport demand, predominantly through managing growth in the level of discretionary traffic, such that the strategic function of the N40 can be protected;
 - Managing and mitigating the safety and reliability impacts that result from congested conditions and which also threaten the strategic function of the N40.
- The development before the Board is not strategic and as demonstrated by Cork City Council's own analysis as well as the

appellants traffic analysis will further add to a deteriorating traffic situation by adding further levels of discretionary traffic to a junction which is already under pressure.

- In conclusion, the Authority advises that it does not have the confidence that the proposed development nor other recently zoned lands in Jacobs Island can be facilitated, with the context of a wider Mahon development framework, without a serious detriment to the strategic function of the national roads network.

6.4 Third Party Response to NRA Response to First Party submission following High Court decision:

In response to the NRA (now TII) submission, the first party has submitted the following:

- The position advanced by the appellants in terms of questioning the validity of the Neighbourhood Centre objective, which they do not consider is of strategic significance is surprising as it is contrary to the founding principles of the Irish Planning System.
- Where a development is in accordance with the zoning objective for the site, it is acceptable in principle. Only where an adverse impact can be proven can permission be justifiably refused.
- The specific land use objective does not provide the Board the ability to refuse the development on the basis that it does not fit within their subjective opinion of what constitutes a development of strategic significance.
- In relation to the above, it is considered that the submission from the TII is disingenuous in that it does not recognise that they were a key stakeholder in transportation and land use planning in the Mahon area.
- Cork City Council took responsibility for the Mahon Interchange and have provided mitigation measures and upgrades, and the PA considers that the proposed development is in accordance with acceptable.
- The TII continue to rely on the Planning Policy Report from May, 2013 and has chosen to ignore the numerous reports from the Traffic & Transportation Department. The report was written a year before Variation no. 11 of the 2009 City Development Plan and Mahon LAP and two years prior to the when the existing Cork City

Development Plan 2015 came into effect. The planning policy for the area has fully evolved and altered substantially since the 2013 report, and as such, it cannot be relied upon.

- All recent reports support the proposed development and note that the development will not have a detrimental impact on the Mahon Interchange or the strategic function of the N40.
- In relation to Objective 5.1(h), it is submitted that any potential impact will to be balanced against enhancing the economic vibrancy of Cork City and providing services for its residents. A refusal of permission would undermine the Retail Strategy in the Mahon LAP and would not eliminate trips through the Mahon Interchange.
- In terms of traffic impact, it is submitted that TII have failed to provide any evidence to support their claim that the proposed development will have a negative impact on the carrying capacity of the national road network.
- The NRAs decision to withdraw an appeal on the John Cleary Office Development highlights that they were satisfied that the existing Mahon Interchange could accommodate the office development without having a negative impact on the national network. In addition, the decision to grant a large mixed use development on lands adjacent to the subject site indicates that the Board was happy that this, with the John Cleary development scheme, would not have an impact on the national network. The baseline for Mahon Interchange should include the Riga scheme.
- The City Council T&T Section, the NRAs Engineering Inspector and the Boards Inspector, did not envisage an issue and neither recommended refusal based on concerns for the carrying capacity of the national network.
- The ARUP assessment uses 70% of retail trips generated by the development would be pass by trips and is an over assumption in order to present a robust assessment. .
- In terms of queue lengths and the concerns of the TII in relation to the information provided in the Addendum to the Mahon Strategic Traffic and Transportation Study, it is submitted that the TII were incorrect in their concerns. The Assessment included all the relevant data and was prepared in consultation with Cork City Council who approved the use of data extracted from MVA/Systra Mahon Area Traffic Model for the purposes of preparing the TTA.

- Permitted mitigation measures, under 07/32686 are restated. Further measures are outlined. Mitigation measures carried out in the past 12 months are also identified as follows:
 - Both south bound lanes on the bridge allow right turn movements from north to west – previously the right turn was only possible from the offside lane.
 - The left turn slop lane from the Mahon Link Road towards the Jack Lynch Tunnel (north to east) is now operating on a left-turn flashing amber arrow, which allows those left turners to proceed while opposing traffic turning right from the N40 over bridge are also proceeding. This is made possible by the presence of two lanes on the east bound exit from the Mahon Interchange which merges to one lane before joining the N40 approach to the Jack Lynch Tunnel.
 - Cork City Council have replaced the previous version of the MOVA software controlling the two signalised junctions at the N40 Mahon Interchange with an updated version of the software, which allows a more synchronised communication between both junctions, allowing greater optimisation of the junction operation.
- While there is no obligation on the applicant to provide for mitigation given that the proposed development will not create any traffic impacts, they are willing to contribute to measures that improve the Mahon area in general.
- In conclusion, the applicant is disappointed that TII have persisted with the appeal. Based on the most recent submission, it would appear that the TIIs primary grounds of concern are based on strategic land use planning issues rather than traffic impact reasons and that they do not consider that the development is of strategic significance to warrant a grant of permission.
- It is considered that the proposed development site represents an appropriate location for a neighbourhood centre, is zoned to facilitate same and as no empirical evidence has been submitted to demonstrate an adverse impact on the national network, that the development is in accordance with the proper planning and sustainable development of the area.

The submission includes a report from ARUP and the content of same is summarised as follows:

- In terms of the movement of strategic traffic, and while it is acknowledged that queues exist at peak times on the approach diverge ramps to the Mahon Interchange, it is also correct to state that as it currently stands, the operation of the Mahon Interchange of the N40 is not having a detrimental impact on the strategic traffic.
- The traffic generated by the proposed development is very modest and it is projected that 21 vehicles will arrive to the neighbourhood centre during the AM peak period with 12 vehicles departing during the same hour. 55 vehicles will arrive to the NC during the PM peak traffic period which 69 will depart within the same hour. The trip generation presented in the Assessment constitutes a negligible percentage increase of less than 0.5% of existing traffic at peak times.
- Cork City Council support the proposed development.
- In relation to the TII query on the Addendum to the Mahon Strategic T&T Assessment Study, it is confirmed that the development assumptions in the Jacobs Island assessment report, all model tests carried out in stages 2, 3 and 4 included 2,500m² of retail / local services development.
- Future strategic infrastructural projects: include the Dunkettle Interchange Improvement Motorway Scheme which received planning permission in 2012 and once constructed, will replace the last remaining non-free flow grade-separated interchange between Cork and Belfast. Whilst funding for the scheme is yet to be announced, the recent decision for the Port of Cork to relocate to Ringaskiddy puts pressure on to provide funding as the viability of the relocation will be dependent on the upgrade of both the N28 and the Dunkettle Interchange.
- Sustainability and Public Transport Accessibility: As put forward in the CATS, the proposed Bus Rapid Transit (BRT) system between Mahon and Ballincollig remains a priority for Cork City Council. In addition, funding has been made available for improvements to existing access and egress to and from Mahon Point by public transport.
- In conclusion, ARUP believe that the Traffic & Transport Assessment demonstrates that the modest traffic generation from

the subject development proposal will have little or no impact on the strategic function of the national road network.

- A number of mitigation measures are highlighted to which the applicant is willing to contribute.

6.5 Planning Authority submission in response to the NRA submission:

The Planning Authority advises that it is still the position of the PA, based on the report from Cork City Councils Traffic Division, dated 22nd May, 2013 that the proposed development will not have a significant impact on the interchange with the N40. The submission of the NRA does not contradict this.

7.0 ASSESSMENT

7.1 Having regard to this appeal, I have been requested to consider the proposed development solely against the up to date policy objectives and zoning afforded to same in light of the adoption of the Cork City Development Plan 2015-2021, the Mahon Local Area Plan, 2014, Mahon Traffic & Transportation Study, 2013, Jacob's Island Additional Development Assessment - Addendum to the Mahon Strategic Traffic and Transportation Study, 2012, Mahon LAP Additional Modelling, 2014.

7.2 The subject site, in the current Cork City Development Plan, 2015-2021, is zoned ZO 9 Neighbourhood Centres where it is the stated objective 'To protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services'.

Section 15.16 of the City Development Plan expands on the above objective and states:

Neighbourhood Centres are listed in Table 4.1 and shown in the suburban zoning maps in Volume 2. The primary purpose of these centres is to fulfil a local shopping function, providing a mix of convenience shopping, lower order comparison shopping, and local services to residential and employment areas. Some of these centres need to be enhanced significantly in terms of their retail offering, mix of uses, public realm, and overall viability and vitality. Limited retail offices

will be acceptable in these centres to serve local needs and are subject to guidance on size and extent (paragraph 3.28) including a limit of 100sq.m. per unit. Residential uses are also acceptable within this zone. Where neighbourhood centres are located in areas of historic significance, for example, former villages now within the suburbs of the city such as Blackpool, policies to protect and enhance their architectural character will be applied.

The Plan identifies Jacob's Island as a Level 4 Neighbourhood Centre, and therefore, in principle, therefore, the proposed development can be considered as complying with the zoning provisions of the Cork City Development Plan, 2015.

- 7.3 It is the stated objective, 4.6 Neighbourhood Centres, of the plan:
- a. To support, promote and protect Neighbourhood Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities;
 - b. To support and facilitate the designation of new and the expansion of existing Neighbourhood Centres where significant additional population growth is planned or where a demonstrable gap in existing provision is identified, subject to the protection of residential amenities of the surrounding area and that they are adequately served by sustainable transport;
 - c. Proposals should demonstrate the appropriateness of the site by means of a Sequential Test Statement; demonstrate retail impact and provide for a mix of uses appropriate to the scale of the centre.
- 7.4 The Board will note that the First Party has submitted that as the subject site is zoned for a Neighbourhood Centre, it is not necessary in a planning application to justify that purpose or justify development for that purpose by reference to the sequential test. However, the above objective would appear to require such demonstration of appropriateness of the site.
- 7.5 On the 26th April, 2013, Cork City and Cork County Council published the Draft Metropolitan Cork Joint Retail Strategy, 2013. John Spain Associates were commissioned in August 2012 by Cork City Council and Cork County Council to prepare a joint retail study for Metropolitan

Cork and the draft Retail Strategy notes that ‘the strategy is based upon the findings of the retail study’ and ‘will replace the existing 2008 Cork Strategic Retail Study’. The Board will note that there is no reference to Jacob’s Island in the Draft Strategy.

- 7.6 In terms of the Retail Hierarchy and Neighbourhood Centres, the Joint Retail Strategy provides as follows:

Level 4: Neighbourhood Centres and Large Village Centres

4.9 Neighbourhood centres and larger villages provide important top up and day to day shopping and retail service requirements. They are typically characterised by an appropriately scaled convenience offer and ancillary retail services and serve a small localised catchment population.

- 7.7 In terms of the Distribution of Retail Floor Space, the Retail Strategy, in terms of Neighbourhood Centres, provides:

7.27 Neighbourhood Centres generally serve smaller, more localised communities and provide an important service at a local level. Comparison retail floorspace will be limited to small scale local provision.

- 7.8 The Mahon Local Area Plan, 2014 is a statutory local area plan prepared under Section 20 of the *Planning and Development Acts 2000-2013*. It was made (or adopted) by resolution on 24 March 2014. The LAP does not significantly amend the higher level objectives for Jacob’s Island contained in the Cork City Development Plan, but seeks to amplify them. In terms of the land strategy, the local plan makes provision for a neighbourhood centre and the location for this is indicated in Figure 4.10 and for employment uses therein. In terms of the retail provision in the wider Mahon Area, the LAP notes that the area is currently very well served by convenience floorspace with larger units located at the Church Road Neighbourhood Centre, Blackrock Avenue Neighbourhood Centre and Mahon Point Tesco. The Mahon Point Tesco has 2.6% of the 2012 Metropolitan Cork convenience retail market and is considered to be “under trading” compared to other stores (Draft CRSRS, 2013).

7.9 With specific regard to the current subject appeal, the LAP states that 'The City Council is conscious that a discount convenience retailer is currently seeking a store in the Mahon area. The City Council's preferred location for this type of store size is the Avenue De Rennes Neighbourhood Centre, and is aware that site assembly is required to enable a store of this size to be developed here for the benefit of Avenue De Rennes and the Mahon community (see Section 5). In the event that site assembly by Cork City Council is not an option then the District Centre is considered the appropriate location for a store of this size due to the benefits of multi-purpose trips.'

7.10 While the subject site is zoned for a Neighbourhood Centre, it is clear that the LAP does not specifically support the location of a discount store on Jacobs Island. It is clear that the Avenue De Rennes location is the preferred location for the delivery of a neighbourhood centre with an anchor convenience store. While acknowledging potential issues in terms of site assembly to accommodate same, the LAP notes that the delivery of this neighbourhood centre may require the City Council to acquire sites to enable them to be brought forward for development. In this regard, the site specific issues associated with the current proposed development site at Jacobs Island must be considered, which include infrastructural and traffic related issues.

7.11 The primary intention of the LAP is to support, promote and protect Neighbourhood Centres and Large Village Centres which play an important role in the local shopping role for residents and provide a range of Metropolitan Cork Joint Retail Strategy essential day to day services and facilities. While it may be considered that a grant of permission in this instance would facilitate this objective, it must also be considered that the development would, in its own right, result in a retail destination, beyond the actual retail needs of residents. Specifically, the Board is referred to Table 3.3 of the Mahon LAP which deals with the 'Scope for Retail and Local Services Development' and provides that:

'A new neighbourhood centre on Jacob's Island of a scale to serve the needs of the residential population and those visiting the riverside walkway. (1,200gsm is already permitted, of which 300sqm is pure retail).'

In addition, the Neighbourhood Centre is required to complement the existing committed Local Centre (Section 4.10 of the Mahon LAP).

As such, the proposed development gives rise to concerns in terms of traffic related constraints and impacts, and as such, justification for same in the absence of appropriate roads and traffic infrastructure, is questionable.

7.12 In terms of transport, section 2.5 of the LAP sets out the Transport Context. Section 2.6 sets out the Mahon Opportunities and Constraints, and identifies the N40 as a barrier to movement. The Plan also notes the NRA concerns that additional travel demand does not result in unacceptable levels of congestion / queuing at Mahon Interchange. The implications for development of Mahon is state as Land use and transport strategy that maximises potential for no-car trips. The LAP describes Jacob's Island as Unfinished suburban residential community to the south of N40 / Mahon Interchange, and therefore suffers from severance from the rest of Mahon. In addition, the findings of the Mahon Traffic & Transportation Study, 2013, Jacob's Island Additional Development Assessment - Addendum to the Mahon Strategic Traffic and Transportation Study, 2012 and the Mahon LAP Additional Modelling, 2014, primarily deal with office developments on Jacobs Island and would generally conclude that, given that the N40, and therefore the car, is the key means of access to Jacobs Island for trips originating outside of the Mahon are the mode share for car is always likely to remain high.

7.13 In terms of considering the traffic related issues arising from the proposed development, I refer the Board to the previous Inspectors Report, notably Section 11.4, page 37 of report. Having considered all of the current and relevant policy documents, I would share the concerns of the previous Inspector, and indeed the Board, in terms of the potential impacts of the proposed development on the already constrained Mahon Interchange and that the proposed development would have an adverse effect on traffic congestion and would, therefore, endanger public safety by reason of traffic hazard.

8.0 CONCLUSIONS

8.1 Having regard to the provisions of the current Cork City Development Plan, 2015 and the Mahon Local Area, 2014, I would acknowledge that the principle of the proposed development is in accordance with the zoning objective afforded to the site, being ZO9 Neighbourhood Centre. However, in terms of the proper planning and sustainable development of Jacobs Island, all site specific considerations are also required to be considered and assessed at Development Management stage of the planning process.

8.2 Notwithstanding the zoning objective afforded to the site, I would concur with the previous Inspector and the Boards concerns that the development if permitted, would not accord with the Councils stated preferred location for a discount store to serve the Mahon area, would represent a retail destination in its own right by reason of its nature and scale and as such, would have a significant impact on roads and traffic movements on an already constrained Mahon Interchange, and would have an adverse effect on traffic congestion and would, therefore, endanger public safety by reason of traffic hazard.

9.0 RECOMMENDATION

It is recommended that permission for the proposed development be refused for the following stated reasons:

1. Notwithstanding the zoning objective afforded to the subject site in the current Cork City Council Development Plan as ZO 9 Neighbourhood Centre, where it is the stated objective to 'protect, provide for and / or improve the retail function of neighbourhood centres and provide a focus for local services, the Board is concerned that the Mahon Local Area Plan, 2014 does not support the location of a discount store on Jacobs Island, and that the Avenue De Rennes location is the preferred location for the delivery of a neighbourhood centre with an anchor convenience store. The Board is not satisfied that, if permitted, the development would result in a retail destination in its own right, beyond the retail needs of the local population. Having regard to the above, together with the pattern of existing and permitted development in the vicinity of the site, and the traffic constraints on the access to Jacob's

Island/Mahon Point at the Mahon Interchange on the N40 Cork South Ring Road, it is considered that, notwithstanding the development plan objective for a Neighbourhood Centre, the proposed scale of commercial floor space and in particular the retail content, is in excess of that required to serve local needs given the population of Jacob's Island. The developer has not, in the opinion of the Board justified the provision of a neighbourhood centre rather than a local centre, in terms of the need for such a centre, the provision of links to existing centres or the provision of high quality urban design. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would have an adverse effect on traffic congestion and would, therefore, endanger public safety by reason of traffic hazard.

A. Considine

Planning Inspector

14th December, 2015